

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

Larry Scott Rogers
Debtor(s)

§
§ Case No. 16-31237
§
§ Chapter 7
§
§

MOTION FOR RELIEF FROM THE STAY
REGARDING NON-EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN JUNE 23, 2016, AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN SEVEN DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON JUNE 30, 2016 AT 2:00 P.M. IN COURTROOM 400, 515 RUSK, 515 RUSK, HOUSTON, TEXAS 77002.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to repossess the property that is identified in paragraph 3.
2. Movant: Systems & Services Technologies, Inc., as servicing agent for Medallion Bank.
3. Movant, directly or as agent for the holder, holds a security interest in: 2008 Yamaha AR 230 HO, VIN: YAMC1551B808; 2008 Yamaha 150; 1024362; 2008 Yamaha 150; 1024363; and 2008 Metal Fabrication Trailer, VIN: 4J2BDTU2381095803.
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not claimed as exempt by the debtor.
5. Type of collateral: Motor Vehicle Lien
6. Debtor(s) scheduled value of property: \$20,000.00
7. Movant's estimated value of property: \$23,620.00
8. Total amount owed to Movant: \$27,953.51
9. Estimated equity (paragraph 7 minus paragraph 8): \$4,333.51
10. Total pre- and post-petition arrearage: \$1,859.68
11. Total post-petition arrearage: \$1,859.68
12. Amount of unpaid, past due property taxes, if applicable: N/A
13. Expiration date on insurance policy, if applicable: N/A

14. ☒ Movant seeks relief based on the Debtor(s) failure to make payments. Debtor(s) payment history is attached as Exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self-explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parole evidence to interpret a payment history that does not satisfy these representations.
15. ☐ Movant seeks relief based on the Debtor(s) failure to provide a certification of insurance reflecting insurance coverage as required under the Debtor(s) pre-petition contracts.
16. Name of Codebtor: N/A
17. Based on the foregoing, Movant seeks termination of the automatic stay to allow Movant to repossess the Debtor(s) property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s) counsel either by telephone, by e-mail or by facsimile, by the following person on the following date and time: LynAlise K. Tannery on May 16, 2016 at approximately 5:00 p.m.

An agreement could not be reached. If requested by Debtor(s) or Debtor(s) counsel, a payment history in the form attached to this motion was provided at least two business days excluding intermediate weekends and holidays, before this motion was filed.

Date: May 31st, 2016

/s/ LynAlise K. Tannery
Cristina Platon Camarata / TBN 16061560
Michael J. Burns / TBN 24054447
Sammy P. Hooda / TBN 24064032
LynAlise K. Tannery / TBN 24083941
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Attorney for Systems & Services Technologies, Inc.

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on Exhibit "1" at the addresses reflected on that exhibit on May 31st, 2016 by prepaid United States first class mail or via electronic notification. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

/s/ LynAlise K. Tannery
Cristina Platon Camarata
Michael J. Burns
Sammy P. Hooda
LynAlise K. Tannery

EXHIBIT "1"

Service to:

Debtor's Attorney
David D. Ritter
Kennedy Law LLP
1445 Ross Ave
Suite 2750
Dallas, Texas 75202

Debtor
Larry Scott Rogers
322 Arbor Trail Lane
Conroe, Texas 77384

U.S. Trustee
Office of the U.S. Trustee
515 Rusk Ave.
Suite. 3516
Houston, Texas 77002

Chapter 7 Trustee
Lowell T. Cage
5851 San Felipe
Suite 950
Houston, Texas 77057

Stephen G. Wilcox
Wilcox Law, PLLC
P.O. Box 201849
Arlington, Texas 76006

16-31237

/s/ LynAlise K. Tannery
Cristina Platon Camarata
Michael J. Burns
Sammy P. Hooda
LynAlise K. Tannery